

EDWARD J. MARKEY

7TH DISTRICT, MASSACHUSETTS

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ENERGY AND COMMERCE COMMITTEE

RANKING MEMBER

SUBCOMMITTEE ON

TELECOMMUNICATIONS AND  
THE INTERNET

RESOURCES COMMITTEE

# Congress of the United States

## House of Representatives

Washington, DC 20515-2107

November 14, 2002

2108 RAYBURN BUILDING  
WASHINGTON, DC 20515-2107  
(202) 225-2836

**DISTRICT OFFICES:**

5 HIGH STREET, SUITE 101  
MEDFORD, MA 02155  
(781) 396-2900

188 CONCORD STREET, SUITE 102  
FRAMINGHAM, MA 01702  
(508) 875-2900

The Honorable George W. Bush  
President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C.

Dear Mr. President:

I am writing to learn what action you will take to enforce the requirements of U.S. nuclear nonproliferation law against Pakistan, given recent revelations of that country's involvement in North Korea's acquisition of nuclear weapons.

According to the October 18 issue of the New York Times, Pakistan has supplied North Korea with equipment critical to the construction of nuclear weapons, beginning as early as 1999. The October 29 issue of the Asian Wall Street Journal reported that "U.S. intelligence discovered that a [U.S. supplied] C-130 transport plane had been flown from Pakistan to North Korea, and returned carrying a Nodong missile. The cargo came from the Khan Research Laboratory in Pakistan, which has a centrifuge plant for enriching uranium for Pakistan's nuclear weapons. Kim's cash-strapped regime [sent] not only a missile in return, but also transfer[red] \$75 million into a bank account linked to the laboratory." Finally, the November 13 Washington Post reports that technology had been transferred from Pakistan to North Korea as recently as three months ago.

Section 101 of the Arms Export Control Act (the Symington amendment) states that "no funds [be] made available to carry out the Foreign Assistance Act of 1961 ... to any country which ... delivers nuclear enrichment equipment, materials, or technology ... unless ... an agreement with the International Atomic Energy Agency" regarding those materials is in place. Section 102 of the Arms Export Control Act (the Glenn amendment) requires that no economic aid be rendered to "any country ... [that] transfers to a non-nuclear-weapon state any design information or component ... for use in the development or manufacture of any nuclear explosive device."

Further, Section 2(b)(4) of the Export-Import Bank Act states that "any country [that] willfully aids or abets ... any non-nuclear-weapon state to acquire any such nuclear explosive device or to acquire unsafeguarded special material" shall not be "guarantee[d], insure[d] or extend[ed] credit" by the Export-Import Bank.

Section 701 of the International Financial Institutions Act requires "the Export-Import Bank deny applications for credit" to countries engaged in nuclear proliferation.

Finally, Section 823 of the Nuclear Proliferation Prevention Act of 1994, requires the opposition of funding the promotion of "the development ... of any nuclear explosive device by any non-nuclear-weapons state."

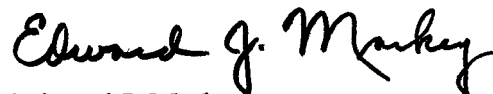
If the aforementioned press reports are accurate, it would appear that Pakistan has violated some or all of these non-proliferation statutes and would therefore, once again, be subject to economic sanctions – unless you choose to waive the application of such sanctions.

Accordingly, I request your assistance and cooperating in providing answers to the following questions:

1. Are the reports of Pakistan's assistance to North Korea's nuclear weapons program true?
2. Are there additional instances of Pakistani assistance to North Korea's nuclear weapons program of which you are aware? If so, please list and describe them.
3. Please list and fully describe the economic sanctions that could legally be imposed on any country that violates the laws listed above. Which of these sanctions will be imposed on Pakistan? If no such sanctions will be imposed, why not?
4. Do you intend to waive application of economic sanctions against Pakistan for any violations of U.S. nuclear non-proliferation law, and if so, why?
5. What impact do you think that repeatedly granting waivers from U.S. nonproliferation law has had on the credibility of such laws as a deterrent against nations providing covert assistance to nuclear threshold states?

Thank you very much for your timely attention to this important matter. Should you have any questions about this request, please have your staff contact Dr. Benn Tannenbaum or Mr. Jeffrey Duncan (Rep. Markey) at 202-225-2836.

Sincerely,

A handwritten signature in black ink, reading "Edward J. Markey". The signature is fluid and cursive, with the first name "Edward" and last name "Markey" clearly legible.

Edward J. Markey